

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:15-CR-00121-RJC-SCR

USA )  
      )  
      )  
v.     )                  ORDER  
      )  
      )  
MILTON CHAVARRIA (5) )  
      )  
      )

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**THIS MATTER** is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines relating to status points. (Doc. No. 1362).

Part A of the Amendment is retroactive and amended USSG §4A1.1 to limit the impact of status points on criminal history category. USSG §1B1.10(d), comment. (n.7). Here, the Court determined the defendant had six criminal history points, two of which were status points. (Doc. No. 876: Presentence Report (PSR) ¶¶49-51). The Amendment does not lower his applicable guideline range because he remains in Criminal History Category III with four points. (Doc. No. 1381: PSR Supplement at 2). Accordingly, he is not eligible for relief. USSG §1B1.10(a)(2)(B).

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

  
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Robert J. Conrad, Jr.  
United States District Judge  
